

**Ravalli County Planning Board  
Meeting Minutes for July 12, 2006  
7:00 p.m.**

**Florence-Carlton High School Gym, 5602 Old Highway 93, Florence, Montana**

**Continuation of Public Hearing**

Aspen Springs (Wesmont Builders/Developers, Inc.) Major Subdivision and Eight Variance Requests

**1. Call to order**

**Dan** called the meeting to order at 7:01 p.m.

**2. Roll Call** (See Attachment A, Roll Call Sheet)

(A) Members

Mary Lee Bailey (present)  
Dale Brown (present)  
Ben Hillicoss (present)  
Dan Huls (present)  
JR Iman (present)  
Roger Linhart (present)  
Chip Pigman (present)  
Les Rutledge (present)  
Lori Schallenberger (absent – excused)  
Gary Zebrowski (present)

Park Board Representative: Bob Cron (absent – excused)

(B) Staff

Benjamin Howell  
Karen Hughes  
James McCubbin  
Renee Van Hoven  
Jennifer De Groot

**3. Amendments to the Agenda**

There were none.

**4. Correspondence**

**Dan** noted the Board had received a great deal of correspondence. (See Attachment B, Public Comments Received after July 5 Public Hearing; Attachment C, Applicant Comments Received after July 5 Public Hearing; Attachment D, Phone Call from Julie Vacca; Attachment E, Email from Tom Stanton; and Attachment F, Letter from David Hurtt)

5. **Disclosure of Possible/Perceived Conflicts**

**JR** said that his son, Trevor, works for WGM as a traffic engineer, but is not involved with this project.

**Dale** said he had worked for Perry Ashby once or twice, but did not have a conflict of interest.

6. **Public Hearing – Continued from July 5, 2006**

**Dan** gave the ground rules for the meeting. He reminded the crowd that testimony should be addressed to the Board, who will process it before making a recommendation to the County Commissioners. He asked the public to limit their comments to the subdivision review criteria. He explained that the developer's team did not finish their reports in the previous meeting and would present the information at the start of the meeting. He said the Board would not accept repeat testimony or testimony from people who spoke at the last meeting. He noted that the Board wants to wrap up public comment this meeting and each person is allowed three minutes to testify. He asked the audience to raise their hands and wait to be recognized by the President. He asked the Board if they wanted to accept 3-minute rule waivers at this meeting.

**Chip** noted that there was a large audience that wants to be heard and recommended against the 3-minute waivers.

**Dan** announced that the Board will not accept 3-minute waivers at this meeting.

(A) **Aspen Springs (Wesmont) Major Subdivision and Eight Variance Requests**

(i) Public Comment on the Subdivision Proposal and Variance Requests

(a) Applicant and the applicant's representatives

**Ryan Salisbury** from WGM Group explained that the County is faced with about 400 new households every year, according to TischlerBise, with about 2.5 people per household. He said if they all lived on 5-acre lots, they would take up 3 square miles per year. He said that 300 of the new households are in the Florence-Carlton School District. He noted that Aspen Springs will only create 32 lots per year, or 10% of the 300 households that are created in Florence every year. He said that the developer is proposing a development pattern that is stable and in line with the Growth Policy. He noted that the development provides cluster development adjacent to existing residences. He said that when the subdivision is approved, people will know what to expect. He noted that the new homes will create demand and explained that there will be some affordable housing, some middle-income housing, and some houses that will cater to higher-income people. He said that he would like to focus tonight on water, soils, sanitary/sewer, wildlife, schools & tax base, legal issues, and hear from the founder of the project. (See Attachment G, WGM's PowerPoint Presentation)

**Cam Stringer** said he was a hydrologist with Geomatrix and noted he had 17 years of experience. He presented a PowerPoint show about Aspen Springs' water situation. He concluded that the development should have enough water

available by digging deeper wells. (See Attachment H, Aspen Springs Water Supply Development)

**Chris Holman** said he worked at Holman Consulting Engineers in Missoula and is a soils and materials engineer with 30 years of experience. He explained that the information available from the NRCS (National Resources Conservation Service) was only general data collected with a hand auger. He noted that the best data is received from doing onsite investigations and analyses by a soil scientist. He explained that there were a variety of soils present at Aspen Springs, including gravels, silty gravels, sand, silty sands, and silts. He said that the soils should be feasible for the project. He explained that the County's road standards require the use of uncrushed sub base gravel as the final layer before asphalt paving. (See Attachment I, Reports from WGM Group and consultants)

**Ryan Salisbury** said he works for WGM as a Registered Professional Engineer with Montana and has nine years of experience. He said that the road design for Aspen Springs is preliminary and that the Road Department will review the roads to make sure they can handle that volume of traffic. He stressed that they have not had their final road reviews. He noted that the developer will have to prove there is sufficient water for the development. He noted that they have drilled several soil test pits and saw that the soils are perfect for road design and sanitary/sewer. He explained that the NRCS calls the soils severe because of bedrock, but while digging their deeper wells, they have not found any bedrock. He said they have performed percolation tests for sanitary/sewer and they have final reports to show there is sufficient sewer and water. He explained that DEQ approval is an on-going process and no denials have been issued. He noted that the process is much like getting a subdivision sufficient, but noted that the subdivision process is faster because DEQ cannot answer the applicant until 60 days have passed. He reported that the subdivision has approvals for groundwater direction flow and they cannot get final approval from DEQ without preliminary plat approval. He explained that the Park Board's recommendation to enlarge a park area affects the DEQ submittal.

**Tom Anderson** with Glacier Precast Concrete in Kalispell explained the advantages of the AdvanTex Advanced Wastewater Treatment System. He said that the system is a re-circulating filtration system made by Orenco systems, which produces 97-99% clear, clean, and odorless water-quality effluent. He said the final treatment is through soil percolation. He noted that the State of Montana considers it a Level 2 Treatment system, which requires a minimum 3-year approval process. He also said that the system meets requirements of the Ravalli County Environmental Health Department, the states of Oregon and Washington, the National Sanitation Foundation (NSF), and meets Federal EPA requirements for Secondary Treatment standards. He said that there are over 10,000 Orenco AdvanTex systems nationwide. He noted that there are 155 units in Montana, 15 of which are commercial or multi-family and two of which are Ravalli County, in the Wildflower and Falcon Estates subdivisions. He noted that the system has a dedicated phone line that monitors data. He stated that the system does not produce active sludge waste or discharge untreated sewer waste or effluent because it is completely sealed. He also noted that the system could be diverted into a municipal wastewater system. He said that Aspen Springs exceeds the phosphorus and nitrogen level requirements. (See Attachment I, Reports from WGM Group and consultants)

**Ryan Salisbury** said that the AdvanTex representative can service the system and Orenco will provide septic tanks, parts, and pumps in Missoula. He noted that Orenco is a large company that will be around for a long time and will train an operator for their system. He explained that the systems come in individual pods that can be expanded for phasing and are adaptable to a various number of homes. He noted that each phase can stand alone and will be approved by the DEQ separately. He said until the water tank is installed, the subdivision will use hydro-pneumatic pumps. He restated that there will be more than enough water for the homes and that Aspen Springs will not produce more than the allowed phosphorus and nitrogen. He explained that the proposed septic tanks for each home provide primary treatment which screens certain items, making it easy for the maintenance provider to charge homes that dispose of inappropriate items. He noted that the water goes into a collection system and then to a recirculation tank. He said that studies say that four feet of depth and usage of a community drain field is more effective than a municipal system. He explained that the Park Board requested an expanded park to the south because it was a larger, flatter area; WGM changed the design and moved houses north. He showed the proposed trail system. He explained that the Park Board requested a crushed gravel path from Lower Woodchuck Road to Eight Mile Creek Road and along Mountain View Drive as well. He noted that there is a primitive hiking trail proposed throughout the project that will create connectivity and there will be sidewalks in the interior of the subdivision. He said that there were two options for the bicycle trail next to the road. He said the developer might have to ask for design exceptions from the clear zone and shoulder width and asked the Board for feedback on that issue.

**Steve Fisher** said he was a Wildlife Biologist and has been a consultant since 1981. He said that he evaluated the environmental assessment submitted for Aspen Springs and found no faults with the report by Dr. Joe Elliott. He said that regardless of classification as an elk winter habitat, any vacant land can be and is used by wildlife. He said that during his on-site investigations, he found no evidence that elk use the land and most of the elk winter range in the northeast corner has been set aside as open space. He remarked that areas of crucial elk winter habitat are located five miles to the east and on the other side of the river and highway from Aspen Springs. He said that his role is to make sure that wildlife are taken care of and he noted that there is a lot of property to the east of the development which is privately owned. He said that he has worked on many projects with Perry Ashby as the environmental consultant. He noted that Wesmont has incorporated some of his designs and concluded that Aspen Springs is an excellent development. (See Attachment I, Reports from WGM Group and consultants)

**Ryan Salisbury** said he was submitting letters from Montana Fish, Wildlife, & Parks about adjacent subdivisions. (See Attachment J, Letters from Montana Fish, Wildlife & Parks)

**Jim Sylvester** said he works with the University of Montana and has researched Montana economics and demographics since 1980. He said that NPA Data is a consulting firm that estimated 400 more houses are created in the County per year. He asserted that the construction of Aspen Springs will increase the taxable valuation of the Florence-Carlton School District. He noted that with an

average house price of \$170,000, the average taxes on a house in the development would be \$5,100. He stated that at full build out, the total taxable value will be \$4.9 million. He stated that the high school enrollment will be 310 students in 2008 and 331 students in 2014, which would only be 54 students less without Aspen Springs. He stated that in 2014, the elementary school will have 850 students, only 76 more students than if Aspen Springs was not constructed. He noted that Aspen Springs' homeowners will pay \$2,045 in property taxes per student, but currently, taxes collected in the District are about \$1,256 per student. (See Attachment I, Reports from WGM Group and consultants)

**John Tabaracci** said he was an attorney with Sullivan, Tabaracci, & Rhoades in Missoula and noted that he has worked with Perry for six years. He discussed road mitigation and mentioned Montana Code Annotated 76-3-608. He stated that there is minimal elk use in the northeast corner and asserted that flash flooding is not an issue. He discussed the elk winter range and mitigation proposed for that. He noted that Wesmont proposed a payment of \$88,000 requested by Montana Department of Transportation for improvements to the proposed roundabout at the intersection of Eight Mile Creek Road and Eastside Highway and \$2,000 toward a traffic study of Eastside Highway and US Highway 93. He said that the former Florence-Carlton School Superintendent agreed to \$150 per lot, which is a typical school donation. He recommended that the Board look to Montana Law regarding additional monetary requests. He said that the Board will have to decide if flag lots will be allowed, and added that the Subdivision Regulations only prohibit flag lots when they are used to avoid road construction. He noted that the Board has to determine proper traffic flow between Aspen Springs and Riverview Orchards. He explained that the neighbors have requested only an emergency access through the subdivision to the south. He noted that the Montana Subdivision & Platting Act and the Ravalli County Subdivision Regulations allow for variances because no development is the same. He said that Wesmont will file their first final plat within the variance timing window. He said that the subdivision does not require an environmental impact statement and that the Board only has to find an overall positive finding for variances. He noted that the Subdivision Regulations do not limit major or minor variances. (See Attachment K, Letter from John Tabaracci)

**Ryan Salisbury** said the developer has proposed mitigation fees and submitted a spreadsheet that breaks down the improvements to the roundabout, a traffic study, fees proposed for the schools, and the Fire District and Sheriff's Office. (See Attachment L, Aspen Springs Proposed Mitigation Fees)

**Perry Ashby** said he was the founder of Aspen Springs and moved to the area 12 years ago. He noted that he built houses in the Hidden Valley area as well as houses in Missoula County, Ravalli County and other municipalities in Ravalli County. He said that he has advanced from master carpenter to builder/developer. He noted that he has housed 400 families and earned the distinction of State Builder of the Year in 1998 and Missoula Builder of the Year in 1999. He said that the Montana governor presented him an award in 2002. He said that he tried to incorporate many Growth Policy themes into his projects. He said that between 1989 and 2000, the median income rose less than the median home price. He observed that the country presently has 300 million people, which is expected to double by 2040. He asked how the country was

going to grow and noted that growth is here and family units continue to form. He noted that one solution is look to the Growth Policy and embrace good stewardship in practices. He emphasized that many of his ideas are nationally embraced development practices with amenities like open space and trails. He noted that intended open space composes 42% of this proposal, which can be shared by all the people in the subdivision. He explained that he incorporated the following components from the Growth Policy: promotion of affordable housing, a system of nexus & proportionality, promotion of cluster development, creation of necessary infrastructure, like sewer and water, and open space. He noted that at the last public hearing, not one opponent of the subdivision was in the category of people just starting out in life. He asked them to remember their years in the starting stages. He asserted that he considers home ownership to be the cornerstone of the American Dream. He noted that he has 4 small children. He suggested that someone has to go through the painful process and embrace this in order to approach good land steward practices. He thanked the Board, Staff, the County Attorney, and the Wesmont team. He thanked the public for expressing their concerns and positions. He noted that as a builder, his reward is thinking about the hundreds of families in homes that he created for them.

(b) All other members of the public who wish to speak

**Ravalli County Sheriff Chris Hoffman** said he was not planning on speaking, but decided to after reading last Friday's Ravalli Republic. He said that his role as Sheriff is to address public safety and impacts on public safety by growth in particular, not by any one subdivision. He noted that he is not opposed to growth, but wants to see growth that pays for itself. He said he does not know if his office can provide public services under the current growth trends and wants to see fundamental changes in the way the County government is funded. He noted that he has had no official correspondence with Wesmont other than the letter given to the Board. He said that Wesmont did approach him at the Board's suggestion and he is in possession of their mitigation proposal. He said that he will provide the Board with his response letter by the middle of the following week. He noted that he is always available to answer questions about impacts on public safety.

**Ward Wenholtz** said he has lived in the area for 47 years and noted that Montana has changed significantly. He said he gave up fly fishing because the streams and rivers were too crowded and took up radio-controlled airplanes instead. He explained that the field he uses is right where the proposed Aspen Springs subdivision is located. He noted that despite that, he fully supports the development. He said that without this kind of development, the Bitterroot Valley would be 5-acre ranchettes that cost \$300,000. He said he has two children that cannot afford to live in the area and he saluted Perry for providing affordable housing. He said that a man should be able to do what he wishes with his land. He said that the development will create jobs for the community. He noted that in the United States from the 1940s to the 1970s, people identified problems and solved them. He said he would like us all to come together to make a great community.

**Bill Lewis** said he could not hear or see the projection screen and asked how he could make intelligent comments without the information. He said it was not

fair that the developer had an hour and 35 minutes for their presentation, but the public can only speak for 3 minutes. He said that he lives here for the open space and country living.

**Cheryl Holden Rice** said she is a neighbor to the development and lives in Eagle Watch on a 2-acre parcel. She said that her neighbors had to drill three wells because they kept going dry and other neighbors had sand in their well. She noted that much of the area is named after her forefathers and mothers. She said that their motto was that there is no such thing as someone we do not know. She recommended letting people in, but urged the Board to consider a 2-acre minimum on housing for the entire County.

**Pam Carlton** said that she and her husband live on Eastside Highway in Stevensville. She said she does not believe that the Board can recommend approval of the subdivision based on the subdivision regulations. She read the Basis of Decision for Preliminary Plat in the Subdivision Regulations, Section 3-2-7. She said that the subdivision has to be in the public interest. She noted that the six criteria are used to determine if the subdivision is in the public interest and said that the review must include those criteria, but not exclude everything else. She asserted that this subdivision does not meet those standards. She said that the developer is requesting variances just for him. She asserted that the subdivision is not in the public interest of the County, taxpayers will have to pick up the bill for the development, and Florence-Carlton School District will have to pay for a new school. She recommended that the Board get their own experts.

**Violette Schrage** said she lives on Eastside Highway in Florence and has lived there for 50 years. She suggested that there will be traffic problems stemming from Aspen Springs. She said that with 643 homes and 2 cars per home, there will be a large increase in traffic that will come by her house and delay her entry on the Highway. She said she drives a school bus and it is difficult for her to turn onto Eastside Highway with the current traffic. She asked to Board to make sure they looked at traffic impacts. She said that the people living on Mountain View Road are not excited to have extra traffic from Aspen Springs. She noted that she has tried different departure times from her house, but no one slows down to let her on and she does not expect the new traffic to slow down either. (See Attachment M, Letter from Vi Schrage)

**Marilyn Owns Medicine** asked to speak with 3-minute transfers. She noted that she is in possession of denial letters from DEQ.

**Dan** said that the Board is not accepting 3-minute waivers this evening.

**James** recommended that she submit them as written comment. He also noted the Board would make accommodations for those with disabilities who wished to speak but could not stand in line for a long period of time.

**Marilyn Owns Medicine** complained that Cam Stringer was allowed to speak again, although he spoke at the previous hearing.

**Sheriff Chris Hoffman** asked for the crowd to behave and noted that the Board came to Florence as a convenience to the people who live here. He said that

the Public Hearing rules are being followed and asked for order. He recommended that Marilyn find someone who had not spoken and give that person her information to read. He explained that no decision had been made yet and that the rules must be followed.

(**Monica Scullion** took the place of **Marilyn Owns Medicine**, who sat down.)

**Monica Scullion** objected to the fact that Dan Huls directed the public to only comment on the six criteria. She noted that the 6 criteria are only review criteria required to be included in evaluation of whether or not the subdivision is in the public interest and noted that the list is not exhaustive. She asked Dan if there would be another public hearing to discuss the variance requests. She referenced Section 3-2-7 in the County's Subdivision Regulations and objected to the six criteria. She objected to the 3-minute rule. She objected that written comments submitted by the public were not posted on the County's website. She objected to the fact that additional info will be presented by the developer and she cannot comment on it. She objected to the lack of importance of public participation. She argued that once the information is received, the Board will have to hold another public hearing so public can comment on it.

**Jim Kearney** said he was a licensed contractor in three states, but said he will not work in Montana because there are no building codes. He said those who build here do so by sheer stupidity and greed. He noted that taxpayers in this state have to subsidize each new residence by \$15,000 a year. He remarked that although some developers have donated \$500 per house to schools, it costs \$7,500 to educate one child. He commented that the Board says they are limited by criteria and noted that we need rules, because without rules, there is no order; without order, there is chaos. He noted that Sheriff Hoffman said he could not adequately provide services and complained that the Planning Department was not open until 1:00 p.m. (Staff Note: The Planning Department has been open to the public from 9:00 a.m. to 5:00 p.m. since May 9, 2006.) He complained that there were no impact fees in the County. He said that the "Y" at Eight Mile Creek Road will only accommodate 440 cars and asked what would happen if everyone showed up at the same time. He said that although he is not questioning the expertise of the developer's consultants, he said that statistics can go both directions. He suggested bonding the developer to make sure that future homeowners will have water, sewage, and schools.

**John Carbin** said he lives in Stevensville across from the Wildlife Refuge and can watch buffalo from his house. He said that he attended the previous hearing and noted that Candi Jerke, Marilyn Owns Medicine, and Steve Hall brought up pointed questions and comments at that meeting, which the people of Florence could not hear. He noted that he was conscious of the traffic on Eastside Highway. He said that no one mentioned the big picture of the cumulative impacts a half-dozen mega developments would have on the Valley. He said that this development might be acceptable and get through the Board, but he asked about the upcoming subdivisions. He said that the Sheriff cannot provide services, air quality will be compromised, schools will be overcrowded, and taxes will not offset the developer's impact. He commented that the elk will never come near winter range because of all the houses in the vicinity. He asked how many people in the Valley approved of the development and said in

Polson, the Board approved an issue although there was a clear indication that the people were two to one against it.

**Susan Reneau** said she lives in Missoula County and opposes the subdivision. She said she has watched Missoula get ruined by development and said she loves Florence. She noted that Board members are the keepers of taxpayer's trust and recommended that they collect money from the developer upfront. She said that Florence does not have sewer, water, streetlights, or firefighters. She asked how someone at the back of the subdivision would get out of it if they had a heart attack. She remarked that if the subdivision is approved, Florence will not be a precious community anymore, but will turn into a mess. She recommended that the Board not copy the way Missoula County handled growth. She said that a donation of \$150 per lot per student is outrageous. She said that road improvements to the area are going to cost multi-millions of dollars. She asked how much the costs will be and recommended charging the costs to the developer before the subdivision is approved. (See Attachment N, Letter from Susan Reneau)

**Matthew Piedalue** said he lives in Florence and believes that the Board has enough information to allow them to deny the subdivision. He noted that in previous hearings, Marilyn Owns Medicine, Candi Jerke, and others gave evidence that the Board could not approve the subdivision. He remarked that he is a young man who does not own a home. He said that Perry's speech offended him and that he will never buy a home in a development like Aspen Springs. He noted that he wants the Bitterroot to stay the way it is so his kids can enjoy it without miniature towns. He said he believed Perry was creating the subdivision to make millions of dollars, not for personal gratification.

**Cheryl Harkin** said she lives in Hidden Valley in Florence. She said that she attended the previous week's hearing and educated herself afterward. She commented that the principle issues of this subdivision are stewardship and following the law. She noted that although Wesmont may offer affordable housing, she asked about the costs: "depletion of water supplies, traffic congestion, overcrowded schools, [and] lack of available fire and police support." She discussed the rules required for approval of a subdivision and variances. She asked what a reasonable and prudent person in the same circumstance would do. She asserted that Aspen Springs is illegitimate and asked the Board to deny the subdivision. (See Attachment O, Letter from Cheryl Harkin)

**Carol Caldwell** said she lives off Eight Mile Creek Road and thinks the traffic is already drastic. She said that with a large subdivision with only one entrance and exit, it will be worse. She said the neighbors of the development will have to eat dust for 22 years. She recommended denial of the subdivision.

**Allen Baumberger** said he wanted to ask Wesmont how much money it will make from the proposed subdivision. He said that he has four sons and two daughters who paid their way for houses. He noted that he is in a Homeowner's Association that has to maintain roads and the County did not want to help pay for their maintenance. He accused the developer of just looking for money.

**Richard Uedel** said he was from Florence. He noted that there used to be some nice areas on the North-South Route through Interstate 15 in Utah, but commented that they are all overdeveloped now, as is the area between Victorville and Sacramento. He noted that the School District requested \$5,000 per lot. He said that that contribution is in line with what is required in other places, and noted that it is law to make large contributions in San Bernardino County. He said that the developer's small donation offers to the Sheriff's Department and Fire Department are a slap in the face to what they are offering this community.

**Mark Bellon** said he had a relative in Iraq and appreciates the democratic process in the United States. He said that he is a Professional Engineer in Missoula and has worked with Perry. He commented that he believes Perry is sincere and has done exceptional, quality developments, which meet, if not exceed, the criteria. He commented that he is not affiliated with the project, but Perry has assembled the most elite group of consultants available. He said that the aquifer and water issues all have quantifiable data that will be stringently reviewed by the DEQ and Ravalli County. He said that Montana is rapidly growing and there needs to be new development. He said he was impressed that Aspen Springs offers trails, 160 acres of open space, preservation of natural amenities, and exceeds open space requirements. He said that the homeowners will appreciate the extra amenities. He said it is nice to have a place for young homeowners and elderly people to go to purchase a home. He noted that the phasing over 20 years will help alleviate impacts on the community. He declared that we cannot put a fence around Montana.

**Dave Curtis** said he lives in Missoula and is a Senior Project Manager for Wesmont. He said he has been with them for 8 years and has seen 300 families purchase homes he helped create; his grandparents also moved into one of his homes. He said the proper handling of housing demand is not with 5-acre parcels or to wait until privately-owned land is gone. He said that growth will not slow down and people need to look beyond their generation. He said that he has seven children and realizes they will need affordable housing. He remarked that future homeowners in Aspen Springs will have a safe, affordable place to live with trails and parks that will give residents a sense of place. He requested that the Board approve the subdivision. He asked how many people in the audience supported the subdivision and about 100 people raised their hands.

**Richard Questel** said he lives in Hidden Valley South and spent 31 years in public safety. He explained that he is not against growth in the County, but 600 homes over 20 years will cost public safety. He said that he serves on a committee that deals with road issues on Eastside Highway. He explained that some people want to raise the speed limit and then put in a roundabout that is 18 miles per hour. He said that the road the developer starts will be destroyed by the time this project is finished. He said he did not think the roundabout could accommodate the homes from Aspen Springs. He noted that the subdivision will have a large impact on public safety and recommended that the developer donate \$390,000 for a fire truck.

**Susan Roy** said she lives on Klements Lane between Eastside Highway & Eight Mile Creek Road. She said one of her 29 neighbors tried to get a permit and was told that that land did not exist and his house was underwater; he was told

he could only improve his property by one-third of its value. She said it takes 40 minutes for her to get to her job at the airport and said that she risks her life trying to turn onto Eastside Highway. She said that anyone who signs approval for the subdivision traffic to happen will be responsible for the traffic fatalities that occur. She also said that at Old Farm Kennels, where she boards her dogs, it is almost impossible to get onto the highway because of traffic. She noted that she and her neighbors were there first and they should be heard.

**Will Snodgrass** said he was heartened to hear that the contractor has chosen to go with advanced on-site wastewater systems. He noted that Europeans use specialized treatment systems like these and it is the wave of the future. He explained that with use of the system, there is no possibility of sewage getting into the environment and water recovery is possible. He asked Perry if he uses Oriented Strand Board (OSB) in his buildings and asked if he posted warning signs about the negative health effects it causes, such as asthma and destruction of brain tissue. He said that the transportation issue has been ignored and he has not heard about road construction. He asked the Board what road projects were involved in the proposed subdivision. He said that the Montana Constitution makes hearings a 2-way street. He asked who would pay for the road projects. He said that the developer has to comply with Title 75 of MCA if the roads use any state funding. He asked if there was an environmental assessment. He said the Board has to comply with federal laws. He said that growth effects of major land use projects are mentioned by the 1978 EPA, Page 1-9, which says that true costs of projects are born by residents of the area, not the developer.

**Libbie Curtiss** said she lives in Missoula and is a single mom who has a dream of owning her own home. She said that housing is too expensive and Aspen Springs would make it possible for her and others like her to own a home. She said the development provides amenities like walking trails and could be expanded to include a satellite YMCA or skate park. She said she deserves to be a homeowner.

**Allison Kinney** said she lives in Florence and is concerned with the lack of infrastructure and the current growth rate in Ravalli County. She said that her main issue is youth in Ravalli County. She said that parents in Ravalli County, and Florence especially, commute 40 to 50 miles to work. She noted that the County's average commute time is 30 minutes, 5 minutes longer than the national average. She noted that County residents often have to leave their kids alone for 12 hours a day. She said that 21% of the children in the County under the age of 18 live below poverty level and Montana is 49<sup>th</sup> in poverty in the nation. She posited that the County needs to address infrastructure, ability to work, and education.

**Chris Marquardt** said he lives in the Eight Mile area, but grew up in Missoula. He said that after serving in the Army, he came back to the area and noticed how much Missoula had changed. He said he is a first-time homebuyer in the County and has lived here for 13 years. He said his concern is that Ravalli County will turn into a subdivision of Missoula.

**Rosann Jenne** said she lives in Florence and is part of the problem. She said she bought a 20-acre tract and subdivided it into 5 lots. She asked the Board to

be consistent. She said that she had to pay \$250 per lot to the Florence-Carlton School District and \$8,000 for improvements to Eight Mile Road. She said she calculated that Aspen Springs' share of improvements on Eight Mile Creek Road would be \$1 million. She said that she moved to the Bitterroot Valley because she likes the open space. She noted that if Aspen Springs is approved, she will feel like she is living in Missoula. She asserted that Florence is not the correct place for this development. She asked that if the development is mostly for low-income families, how can the developer expect them to commute 40 miles per day to a job and afford gas prices. She said there is a purpose for homes in Missoula.

**Brad Lee** said he was from Stevensville and knows the Bitterroot Valley will continue to grow rapidly. He said he prefers cluster development rather than 5 or 10-acre orchard tracts.

**La Rue Moorhouse** said she has lived in Ravalli County for 25 years and stayed here after the passing of her husband because she cares about the County. She said that there were a lot of people who came from Missoula to testify in favor of the builder. She said that those comments have nothing to do with the six criteria or the subdivision application and their testimony was inappropriate. She noted that people from Missoula do not live here and do not care about Ravalli County. She explained that the Aspen Springs application is a most unusual situation, which calls for unusual measures. She said she does not object to the 3-minute rule, but believes it should be longer because the application is larger than normal. She said that the typical family has a mom, dad, and two teenagers, all with cars. She said that 4,800 cars would create a huge impact, especially on Eastside Highway. She acknowledged that she was part of Bitterrooters for Planning, a group she said was in favor of growth, but was also in favor of good planning.

**Lori Rokosch** said she lives on Dry Gulch Road between Florence and Stevensville. She said that she is not against growth but is against unreasonable growth. She said she is a Registered Nurse and works as a volunteer emergency responder who gets support from the Hamilton and Missoula ambulances. She said there have been numerous calls and deaths on Eight Mile Creek Road. She said that it is just a matter of time before someone everyone knows dies in a car crash. She said that at some point, the responders will not be able to keep up with the volume of calls. At the present time, she said, response time depends on what time of the day it is and who is scheduled. She said that donations are great and no Fire Department, Police Department, or Emergency Response Unit would refuse them, but said that mitigation is temporary. She said that she does not believe the proposal covers impacts for traffic. She said affordable housing is great, but it needs to be connected to infrastructure. She said many driveways in the valley are not wide enough for the ambulances and said she does not believe that the proposed driveways are wide enough either.

**Mary Beth Henningfield** said she lives off Mountain View and said that only audience members from Florence or Stevensville count. She noted that her daughter attends school at Florence-Carlton and she has a respect for her education. She invited the Board and audience to witness the school in action and noted that the number of students is increasing. She shamed Perry for

offering \$150 per lot to the School District. She noted that the Sheriff said he did not have the capability to sustain services to the area. She reported that there was a fatality on Eastside Highway a couple weeks ago and the road shut down. She asked to Board to imagine what would happen if hundreds of more cars were added to the mix. She said she was the first one to arrive at the fatality and it took a deputy 30 minutes to arrive. She said that she and her children will subsidize the taxes from this development. She said that the developer's road contribution is not adequate. She said that she is not against growth, but is against traffic, fatalities, increased crime, cluster development, taxes, and school overcrowding. She noted that this subdivision is not what she wants or the people want.

**Kevin Viegut** said a developer like Perry gave him a starter home opportunity and now he has his dream home. He added that a few years ago, he started his own business with help from Perry. He said Perry helps others and provides places for businesses to start. He said he did not see the subdivision as a bad thing.

**Erik Hess** said he lives in Hidden Valley and studied wildlife biology at the University of Montana. He said he now works at Wesmont. He said that he does not doubt that people love the Florence area, but he has not heard any great arguments against the subdivision. He said that his two children attend the Florence schools and all he hears is criticism. He asked the Board to think outside of the box.

**Bob Boyce** said he lives in the area and is happy with his weed patch. He noted that he has lived in several areas and none of the lots were smaller than 6,500 square feet. He said there are many problems with small lots, including no place for children to play in their yards. He invited the Board to drive through Canyon Creek Village. He explained that he spoke with Ben Howell, who said that Staff felt that the minimum lot size of 7,500 square feet was just an arbitrary number placed in the Subdivision Regulations. He said he understood that sometimes people just have to pick a number, but recommended that the County go through the planning process county wide. He said if the County does not, the Board will be plagued with this variance. He noted that the subdivision will be governed by a homeowner's association, but from his experience, the people are not paid or trained.

**Will Renard** said he was ashamed to listen to the selfishness of people who spoke. He noted it was not fair to pick on this one subdivision and say that it will break the camel's back, when it sounds like the schools and Sheriff's department are already "broken."

**Robert Wallace** said he lives at the corner of Lower Woodchuck Road and Eight Mile Creek Road and sees many accidents there. He said that he planted trees and bushes on his property, but knows that if 5,000 new vehicles are in the area, it will cause a problem with sight distance in time. He noted that no one stops at the stop sign anyway and recommended a yield sign so that people could merge into traffic as on a highway. He said that Eight Mile Creek Road and Lower Woodchuck Road have speed limits of 50 miles per hour, which is dangerous with the amounts of horses, children, dogs and cats present. He said that he is not against growth, but that this type of subdivision is putting people

with smaller lots next to larger lots and asked if there was any better land closer to the highway where they could have higher density housing. He asked the Board to use good judgment in where they allow buildings. He recommended that the Board allow subdivisions where they are needed and make it possible for future residents to get in and out of town. He commented that the people in the future subdivision will not be working in Florence.

**Bethanni Horn** said she graduated from Stevensville High School and is now getting to the point where she and her husband can buy a home. She said that when she is asked why she stays here, she responds that she values the quality of life over quantity of pay. She asked if there was an economic growth plan to improve jobs or if the people in this subdivision will be subject to the same low-paying jobs in the area.

**Cheryl Tenold** said she was a recent transplant to the Valley and said if she wanted to live 10 feet from her neighbor, she would live in Missoula. She said that the developer has proposed \$150 per lot to the School District based on the addition of .4 children from each house. She noted that the developer himself has 4 children, not .4. She noted that the .4 sounds like a national demographic that does not take into account the large number of children in the Bitterroot Valley. She said that she was able to purchase a 10-acre ranchette for under \$300,000, but it took her seven years to be able to own her own house. She noted that there are rules in place to control growth and explained that if they are followed, the Board will not open itself up to the possibility of discrimination. She said the Board is setting a precedent for long-term growth by the way they handle the variance requests.

**Ted Tenold** said he lives in Stevensville and that the only constant in the universe is change. He said that he never thought he could afford a home because it is daunting. He said that having an affordable house is a blessing. He noted that planned communities are a nose of a camel under the tent flap. He said that he does not know of a growth policy, although he has heard of a couple of grassroots movements that want to bring planning to the valley. He said that in regards to variance condition 2, conditions are unique to every property. He asked that if the County allows a developer of good character to develop under those pretences, what would happen when a big developer without those morals comes to develop in the Valley. He explained that he is concerned about planning and growth within reason. He commented that planned growth is one thing, but allowing growth is something quite different.

**Russ Copland** said he lives off Sky View Lane off Eight Mile Creek Road. He said that when he moved in eight years ago, he only had one neighbor. He noted that now there are 30 houses that have gone in to the east of his house. He said he commutes to Missoula and sometimes the traffic is backed up to the storage sheds on Eastside Highway with people trying to turn onto Highway 93. He noted that there are no recovery zones on Eastside Highway and said that his car was totaled earlier in the year. He commented that although the County is rapidly growing, he moved here for the quality School District. He said that the County has Mayberry right now and he would hate to lose that. He said that people will live on top of each other. He noted that no one spoke about the loss of mule deer habitat and mitigation for that. He also said there used to be an

antelope in the hills until he passed away. He asked the Board to preserve the quality of life in the County.

**Mike Hillborough** said he has Parkinson's Disease and is the recipient of the emergency care system. He said he was concerned that the cluster development would lead to a crack house community. He noted that lower-income housing areas attract drug dealers. He said there is more meth use in Florence than in other areas of Montana. He said he has seen many deaths on Eastside Highway over the years and there will be many more with Aspen Springs. He said during the hand-raising over who supports the development and who does not, only one person from the Bitterroot Valley raised his hand in support of this development.

**Steve Arno** said he has lived in Florence for 31 years. He noted that a cluster development was proposed in the Florence School District in the late 1970s named Bitterroot Meadows. He said that Missoula County turned it down although developers had offered to pay \$1,200 to the School District. The County was told that the development in the area would be awful if they denied the subdivision. He noted that it was denied and people live on 5 or 10-acre tracts, which they love. He said he studied cluster development in graduate school in the late 1960s. He noted that one of the principles was not to put the development in the middle of nowhere where people have to travel. He said that since each person in the subdivision will have to commute 25 miles each way, it will create a huge impact on the roads. He said that cluster developments should be placed on the edge of the town where the people can access things easily. He gave an example of Canyon Creek Village. He said a development like Aspen Springs is called a "leapfrog" development because the developer purchases cheap land way out. He noted that it is hard to find properties close to infrastructure, and this virgin land is appealing, but it is not good for cluster development and not part of that concept.

**Dan Mahn** said he moved to Florence in 1980 and chose to stay here while his friends moved off to bigger cities to make money. He said that he does not believe the developer wants to change the quality of life for Florence residents, but wants to pursue growth. He said that he is concerned with the rules in place and especially the lack of impact fees. He asked the Board to look at the numbers of how much subdivisions impact schools and fire stations. He said he finds it appalling that there is no long range plan for impact fees. He asked if there is a way to deny the subdivision until the formula is corrected. He noted that covenants do not work because there is no enforcement. He also noted that some roads are maintained one mile and then are not maintained for the next.

**Sally Carlson** said she has been a real estate broker in Florence since 1981. She said she knows Perry and his family, but asked if the housing offered is really affordable housing. She asked if a single woman could afford to live in Aspen Springs and commute to Missoula with rising gas prices. She asked who will maintain and repair internal roads. She said that the homeowner's association will, along with maintenance of the water and sewer systems. She asked if people can afford extra fees even if Perry can keep the initial housing prices low. She asked what would happen if things went wrong. She remarked that the development was in a wrong location for affordable housing. She noted

that she would love for her own children to have affordable housing, but worries that homebuyers in Aspen Springs would have to worry about commuting and daycare costs. She concluded that the subdivision was just in the wrong place.

**Lisa Stout** said she has lived in Florence for 10 years and recently bought a home on 5 acres. She remarked that she wanted a safe place to raise her daughter and she does not want to be crowded in. She said she wants to preserve the beauty of Montana.

**Bob Memmer** said he lives off Eastside Highway on Log Cabin Lane. He announced that he was in favor of cluster development. He noted that although he recognizes the concerns of the people that spoke, he said he is hearing about effects of this development, but not effects of development as a whole. He said there will be development in the County sooner or later. He said he has not heard anything that would make him not favor the development, but noted that the developer said that all the facts are not in. He said that he is in favor of this development and cluster development.

**Candi Jerke** said she was submitting about 100 or more additional signatures on the petition against Aspen Springs. She said she was able to raise about 700 to 800 signatures without much effort. (See Attachment P, Petition in Opposition to Proposed Aspen Springs Development)

**David DeCan** said he owns Century 21 Five Valleys Real Estate in Missoula. He noted that he was not against development because that is how he makes his living. He said he moved to Florence three years ago because of the schools. He said that Aspen Springs would destroy what he came here for. He said that as a real estate agent, he could make millions selling homes in Aspen Springs, but he does not care about the money; he cares about the quality of life in the Valley. He said that the Board is in a powerful position and he said he will hold the members accountable. He accused the Board of caving in to the developer because they would rather be sued by the people of the County. He asked the Board where their comprehensive planning and zoning plan was. He said he has never lived in a place without zoning. He asked the Board why they did not have building permits and said they could charge developers through them. He noted that when he built his house, the only inspection he went through was for the electrical permit. He said that the citizens and taxpayers of the County will hold the Board responsible for their recommendation.

**Phil Taylor** said he has lived in the area for 35 years and is speaking tonight for Stuart Brandborg, who could not attend due to an illness. He said that he used to live in the St. Louis Metropolitan Area. He said he believes that the application is deficient. He remarked that the real issue is not the application, but two separate clauses: "public health" and "public interest." He said that the "public interest" phrase originated in major eastern metropolitan areas because of slums and crime. He said that the western states threw it into their subdivision regulations as well. He observed that most people at the meeting are concerned about growth in the valley. He commented that the real way to control growth is through zoning, not reviewing subdivision applications. He asked on behalf of Bitterrooters for Planning for the Board to ask the County Commissioners to adopt interim zoning for the entire County. He said that the County needs comprehensive planning and although it is not too late for it, it is

getting there. He noted that Flatiron Ranch and Legacy Ranch are in the works and noted that the County needs planning. He noted that the people at the meeting like their quality of life and the Board has to weigh what is in the public interest. He asked if the developer's interest weighs more than the public interest. He said he opposes the subdivision on its merits.

**Ken Madden** said he lives off Golf Course Road in Hamilton. He thanked the Board for offering a process of debate and democracy. He said he was embarrassed at the lack of civility during the meeting and wonders about the community he wants to join. He said he has been a homebuilder in Arizona, Colorado, and Montana and watched the growth process. He said: "Only a fool would stand in the shade and complain that the sun does not shine on him." He asked the public to meet with the developer in a civil way. He observed that currently, the United States has 300 million people; by 2040, that number will double, not counting 11 million illegal immigrants. He said that growth will come to the valley and only one-third of County land is developable. He said the County will not accommodate growth if the land is parceled out in a 1-, 2-, or 5-acre grid. He commented that individual septic systems do not work properly. He said that if development is spread out, it will consume all the open land and agricultural land. He said that he is a conservationist and a realist. He asked the Board to look to the future. He said that a wise man leaves an inheritance to his children's children. He asked the Board to speak to preserve the quality of life and noticed that of all who spoke, only the elderly people asked to stop growth.

(c) Rebuttal (Board will decide whether or not to accept rebuttal)

There was none.

(d) Close: Public Comment

**Chip** motioned to continue the hearing next Monday night for Board deliberation.

**Gary** seconded the motion.

**Chip** asked Staff if there was a meeting space available.

**Karen** said Staff had reserved the Ravalli County Fairgrounds Event Center on Monday, July 17, at 7:00 p.m.

**Ben** noted that he received a lot of material tonight that he did not have time to look at yet. He said a continuation until Monday gives him time to process it.

The Board unanimously agreed to continue the meeting on Monday, July 17, at 7:00 p.m. at the First Interstate Event Center at the Ravalli County Fairgrounds in Hamilton.

**Karen** asked if the Board had closed public comment.

**Phil Taylor** said he believed public comment had to stay open to give time for the public to respond to additional materials given by the developer this evening.

**James** said the Board could close public comment.

**Dan** said the Board will close the public hearing and not accept any more verbal or written comments.

**Will Snodgrass** remarked that he did not believe the Board could close the public comment period and cited the court case Folsom v. City of Missoula. He said that in that case, the Board was not able to legally close public comment because the County has to make written information submitted at the meeting available to the public.

7. **Suspend Public Hearing Until Next Meeting**

8. **Next Regularly Scheduled Meeting:** July 19 at 3:00 p.m.

Gunshy Ridge III (Bitterroot Valley Development, LLC) – Public Hearing  
Hidden View Estates Major Deviation (Kearns) – Public Hearing  
East End Lot 1, AP (Kwapy) – Public Hearing  
Centennial Lot 17, AP (K&J Development) – Public Hearing  
Castle Heights (Greer) – Public Hearing

9. **Adjournment**

**Dan** adjourned the meeting at 10:42 p.m.